

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

**UNITED STATES OF AMERICA,
Plaintiff,**

v.

Case No. 06-C-247

**APPROXIMATELY \$9,212.00
IN UNITED STATES CURRENCY,
Defendant,**

**TODD ALAN KLUEGER,
Claimaint.**

ORDER RESCHEDULING TRIAL DATE

The government filed its complaint for forfeiture on March 1, 2006. On May 2, 2006, the claimant, Todd Klueger (“Klueger”) filed his answer to the complaint. The matter was thereafter reassigned to this court on the consent of the parties to full jurisdiction by a magistrate judge.

On August 18, 2006, Klueger filed a motion to stay the proceedings in this case until the resolution of the related state criminal case, Manitowoc Circuit Court Case Number 05CF433. A jury trial regarding this state criminal prosecution was scheduled to commence on January 17, 2007. The court granted the motion and removed the trial scheduled in this case for November 28, 2006, from the court’s calendar.

The court then conducted a scheduling conference on January 30, 2007, which was to be subsequent to the state court trial. The state court trial was not held on January 17, 2007 but was rescheduled to April 3, 2007. Therefore, this court set the trial in this case for April 26, 2007. This court was subsequently advised that the Manitowoc County case was again being rescheduled, this time to June 20, 2007, so Klueger requested a continuance of the April 26, 2007 date. The trial was

rescheduled to July 10, 2007.

The government indicates that it has no objection to the adjournment, but needs time to conduct discovery. The government states that it has conducted no discovery because the court previously entered an order staying proceedings in this case until the completion of the state court trial. The government states that if the state court trial proceeds on June 20, 2007, it will not have sufficient time in which to conduct discovery in order to be prepared by July 10, 2007.

It is now time for this matter to move forward and have a date certain for final resolution. The state case has been adjourned several times, and there is no guarantee that it will proceed on June 20. The state case is not dispositive of the federal action, although its resolution will have a practical impact on how the parties proceed in this case. The court will permit one last adjournment and will vacate the stay order so that the parties are able to engage in discovery. The parties are advised that this case will proceed to resolution regardless of what happens in the state court action.

Accordingly,

1. The court trial scheduled for July 10, 2007 is rescheduled to **August 8, 2007 at 9:00 a.m.**
2. The Order of October 30, 2006 staying proceedings is hereby **vacated**. The parties are permitted to engage in discovery.

SO ORDERED.

Dated at Milwaukee, Wisconsin, this 20th day of March, 2007.

s/AARON E. GOODSTEIN
United States Magistrate Judge